

## REMARKS

Reconsideration and allowance of the application and withdrawal of the rejections of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

By this communication, claims 1-9 are amended. Claims 1 and 9 are independent.

Support for the amendments to independent claims 1 and 9 appears, for example, at specification page 3, second full paragraph. For example, two different appliances can directly communicate to diagnose each other's operation, without involving a central process control point. When communication by either appliance with the central control point is desired, a common transmitter/receiver that is shared by the appliances can be used.

With reference to Applicants' Figure 1, a second appliance 2b can be a valve that has been requested to close. A first valve 2a can be monitored to determine whether a "zero" flow condition exists following the command to close valve 2b.

Information at valve 2a can be fed to valve 2b, as diagnostic information, without either valve communicating with the central process control point 4.

However, if either or both of valves 2a and 2b are to communicate with the central point 4, such communication can be by way of a common transmitter/receiver 3.

As such, overall communication efficiency can be realized with only a single transmitter/receiver (as opposed to having a dedicated transmitter/receiver for each appliance as in the prior art Figure 2 illustration).

Such features are encompassed by independent claims 1 and 9, and are not disclosed by the Gorday patent.

### **I. Rejections Under 35 U.S.C. § 102**

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Gorday et al. (U.S. Patent No. 6,665,521, hereinafter "Gorday"). This rejection is traversed as the Gorday patent fails to disclose Applicants' claim 1 combination which recites, among other features, an arrangement wherein the first appliance communicates with the second appliance to pass diagnostic information relating to

operation of the second appliance to the second appliance. Claim 1 also recites a transmitter/receiver connected to the second appliance, for data interchange with a central point of the technical process, and for calling up data from the second appliance to transmit to the central point. Similar features are recited in independent claim 9. Claim 9 also recites a common transmitter/receiver for multiple appliances of a technical process

The Gorday patent is directed to a wireless communication system having a first network operating with a first protocol, and a second network formed from cooperative wireless devices operating with a second protocol. A signal using the first protocol is received at one or more of the cooperative wireless devices intended for a targeted member of the cooperative wireless devices. The signal is processed cooperatively among the plural cooperative wireless devices to increase diversity gain of the signal to the targeted member.

The Gorday patent is not directed to an arrangement of appliances which can diagnose one another, and/or communicate with a central point of a technical process via a common transmitter/receiver. Gorday at best discloses that each member of a wireless device cooperative reports their protocol link quality (see, e.g., block 304 of Fig. 3). Column 5, lines 47-50 of Gorday describe the unique aspect of the Gorday system as its self-organizing and adaptive ability to create cooperative networks. The system disclosed therein does not include first and second appliances as recited in Applicants' claim 1, or a transmitter/receiver as recited in Applicants' claim 1. Applicants' independent claim 1 is therefore allowable, as is independent claim 9. The remaining claims depend from claim 1 and are also allowable.

## **II. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. Accordingly, a favorable examination and consideration of the instant application are respectfully requested.

If, after reviewing this Amendment, the Examiner believes there are any issues remaining which must be resolved before the application can be passed to

issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: Feb 5, 2010

By:

A handwritten signature in black ink, appearing to read 'P. Keane', written over a horizontal line.

Patrick C. Keane

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